

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JAMES A. PROVITT,)	
)	Civil Action No. 19-1624
Plaintiff,)	
)	District Judge Marilyn J. Horan
v.)	Chief Magistrate Judge Cynthia Reed Eddy
)	
SERGEANT TANNER, NURSE BRENT,)	
AND PHYSICIAN ASSISTANT DARLA)	
COWDEN,)	
)	
Defendants.)	

MEMORANDUM ORDER

This civil action commenced on December 17, 2019 when Plaintiff James A. Provitt filed a Motion for Leave to Proceed in Forma Pauperis. (ECF No. 1). On December 31, 2019 that Motion was granted and the Complaint was docketed by the Clerk of Court. (ECF Nos. 2, 4). The case was referred to Chief Magistrate Judge Cynthia Reed Eddy for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Local Rules of Court 72.C and 72.D. On October 12, 2021, the Magistrate Judge issued two Report and Recommendations (ECF Nos. 108 & 109) recommending that the Motion for Summary Judgment filed by Sergeant Tanner and Nurse Brent McShane be granted in part and denied in part, and that the Motion for Summary Judgment filed by Darla Cowden be granted. The parties were informed that in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.D.2 of the Local Rules of Court, that they had fourteen (14) days to file any objections, and that unregistered ECF users were given an additional three (3) days pursuant to Federal Rule of Civil Procedure 6(d). Objections for unregistered ECF Users were due by October 29, 2020. No objections have been filed.

After review of the pleadings, documents in the case, together with the Report and Recommendations, the following Order is entered:

AND NOW, this 10th day of November, 2021,

IT IS HEREBY ORDERED that the Report and Recommendation filed at ECF No. 108 dated October 12, 2021, and the Report and Recommendation filed at ECF No. 109 dated October 12, 2021, are adopted as the Opinions of the Court.

IT IS FURTHER ORDERED as follows:

A. The Motion for Summary Judgment filed by Darla Cowden (ECF No.91) is GRANTED. All claims asserted against Defendant Cowden are dismissed.

B. The Motion for Summary Judgment filed by Nurse Brent McShane (ECF No.85) is GRANTED as to all claims asserted against Defendant McShane. All claims asserted against Defendant McShane are dismissed.

C. The Motion for Summary Judgment filed by Sergeant Tanner is GRANTED as to the claim of intentional infliction of emotional distress asserted against Defendant Tanner. The claim of intentional infliction of emotional distress asserted against Defendant Tanner is dismissed.

D. The Motion for Summary Judgment filed by Sergeant Tanner is DENIED as to claims of excessive force and assault asserted against Defendant Tanner.

E. This matter is returned to the Magistrate Judge for further proceedings.

s/Marilyn J. Horan
Marilyn J. Horan
United States District Judge

cc: JAMES A. PROVITT
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